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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,810	07/31/2001	Michael George Bruce SR.	23512-006-401	1440

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EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/917,810	<b>Applicant(s)</b> BRUCE ET AL.	
	<b>Examiner</b> Naresh Vig	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020605, 20031125</u> | 6) <input type="checkbox"/> Other: _____  |

*A*

### **DETAILED ACTION**

This is in reference to response received 07 April 2005 to the office action mailed on 07 December 2004. There are 11 claims, claims 7 – 17 pending for examination.

#### ***Election/Restrictions***

Applicant's election with traverse of claims 7 – 17 in the reply filed on 07 April 2005 is acknowledged.

#### ***Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the non-provisional application upon which priority is claimed was abandoned on 02 March 2001 whereas the current application was filed on 31 July 2001 which is after the abandon date of the application upon which applicant has claimed priority. For the purpose of examination, the priority date of this application will be 31 July 2001, the filing date of this application.

#### ***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 7 – 17 are rejected under 35 U.S.C. 102(a) as being unpatentable by Kumar et al. US Publication 2002/0042755.

Regarding claim 7, Kumar teaches system and method for providing electronic transactions with a plurality of sources for a user over a network (The system also includes one or more processors collectively operable to receive an available-to-promise (ATP) request comprising a plurality of request line-items each corresponding to a desired product, generate one or more component ATP requests using at least one rule in the database and based on the request line-items, and communicate the component ATP requests to at least one supplier associated with the desired product) [0010]. Kumar teaches:

a search module for accessing data describing at least one offering [0036, 0088] available from at least one of a plurality of source systems [0010, Fig. 1 and disclosure associated with Fig. 1];

an ordering module for placing a plurality of orders to the plurality of source systems in response to at least one ordering transaction for at least one purchase item selected by one or more users [0010, Fig. 1 and disclosure associated with Fig. 1].

Regarding claim 8, Kumar teaches search module includes at least one custom data transfer protocol for communicating with at least one of the plurality of source

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systems (Fulfillment server 16 and LFMs 22, ATP servers 14, or other supplier systems may communicate using any suitable protocols and/or mechanisms) [0028].

Regarding claim 10, Kumar teaches ordering module includes at least one custom data transfer protocol for communicating with at least one of the plurality of source systems (Fulfillment server 16 and LFMs 22, ATP servers 14, or other supplier systems may communicate using any suitable protocols and/or mechanisms) [0028].

Regarding claim 12, Kumar teaches comparison module for comparing products or services available from the plurality of source systems [claim 3].

Regarding claim 13, Kumar teaches comparison module includes at least one custom data transfer protocol for communicating with at least one of the plurality of source systems (Fulfillment server 16 and LFMs 22, ATP servers 14, or other supplier systems may communicate using any suitable protocols and/or mechanisms) [0028].

Regarding claim 15, Kumar teaches a transaction management module communicating with the plurality of merchant systems for monitoring the status of a plurality of orders placed to the plurality of source systems [0023, 0071].

Regarding claim 16, Kumar teaches transaction management module includes at least one custom data transfer protocol for communicating with at least one of the

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plurality of source systems (Fulfillment server 16 and LFMs 22, ATP servers 14, or other supplier systems may communicate using any suitable protocols and/or mechanisms) [0028].

Regarding claims 9, 11, 14 and 17, in the disclosure originally filed 31 July 2001, applicant recites "Electronic Data Interface (EDI)" [0036]. Kumar teaches electronic data interface protocol (Electronic Data Interchange (EDI)) [0028].

### ***Conclusion***

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Kumart et al. US Provisional Application 60/238387. This is partial subset of 126 pages. Provisional Application has 675 pages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Naresh Vig". The signature is stylized with a large, sweeping initial "N" and a distinct "V" at the end.

Naresh Vig  
Examiner  
Art Unit 3629

June 20, 2005